

**Outline of Proposed House Education Amended Version of Engrossed Com. Sub for
SB451 Revised 2/6**

§5-16-2 & §5-16-22 - Charter school may opt into PEIA.

§11-8-6f – Maximum property levy rates establishes county board levy rates beginning 2019 tax year (FY2020) and authorizes county boards after a majority vote by the voters to increase levy rates to higher maximum rates also established in the statute.

§11-21-25 (N) \$250 nonrefundable tax credit for qualifying educational expenses claimed by teachers and service personnel employed by public or private school.

§18-5-16 - Open enrollment policy may be adopted by county board to permit students not residing in the county to attend schools without paying tuition or having permission of board of county in which student resides. **Matched with HB2554 reported by Committee**

§18-5-16a - Authority for transfers provisions expire effective July 1, 2019, provided that any agreements made pursuant to this section prior to July 1, 2019, shall remain in effect.

§18-5-18b – Counselor time requirement to spend at least 75% of time in direct counseling relationship with pupils is increased to at least 80%.

§18-5-32 – Central office administrators, supervisors and directors made will and pleasure of the superintendent with county board approval required for removal.

§18-5-45a – Work stoppage closures may not be made-up using accrued time and alternative instructional delivery to cancel days lost during work stoppage or strike; when schools closed during work stoppage or strike, employee pay withheld for each day until instructional and employment term fulfilled or, if not, returned to Department accounts; when instructional day cancelled the school may not participate in any extracurricular activities during any part of that same day.

§18-5-46 – Teacher recommendation regarding student promotion shall be a primary consideration.

§18-5G-1 et seq. (N) – Public Charter Schools may be authorized by one or more county boards, or WV Public Charter School Commission only if represented after an appeal. Not more than six public charter schools may be established. Conversion of a private school to a charter is prohibited. Higher education institutions are allowable operators but not authorizers. A charter school may enroll any student residing in the state and shall establish a randomized lottery if application exceeds capacity. It must also file a student recruitment and retention plan to target eliminating achievement gaps. A charter school may contract with an education service provider to implement the program. Denial of an application to form a charter school may be appealed to the WV Public Charter School Commission. Charter terms are limited to five years. A charter may be revoked at any time for cause. The Commission and charter schools are subject to the general supervision of the State Board solely for student performance accountability purposes. The commission shall consist of seven voting members, as follows: The State Superintendent of Schools, or designee; The Chancellor of the Higher Education Policy Commission, or designee; The Chancellor for Community and Technical College Education, or designee; and Four members appointed by the Governor, with the advice and consent of the Senate. The chair of the House Committee on Education and the chair of the Senate Committee on Education shall serve as nonvoting

ex officio members of the commission. The State Board must promulgate a rule for charter school funding that, among other things, requires 90% of the per pupil total basic foundation

§18-7A-3 & §18-7B-2 – Charter school may opt into Teachers Retirement System or Defined Contribution system.

§18-8-4 – Attendance director changes made to reflect Com. Sub. for HB2620 reported by Committee

§18-9A-2 – School Aid Formula definitions adds professional personnel providing direct social and emotional support to students (including social workers and psychologists) to definition of professional student support personnel that currently includes nurses and counselors. Also sets floor enrollment at 1,400 students in net enrollment for purposes of determining formula. Fixes levy rate for local share at the rate before any increases that may be adopted by county board. Number of authorized adults in Advance Career Education programs set at 2,500 to comport with SB1.

§18-9A-8 – Professional student support personnel funded at 4.70 positions per 1,000 students in net enrollment, rather than the current dollar amount required in 2008.

§18-9A-9 – Allowance for current expense increased from 70.25% to 71.25% of operations and maintenance costs calculated using a state average square ft. per student cost formula.

§18-9A-12 – Local share growth in any county local share is capped at 2015-16 level for calculation of state aid.

§18-20-5 – Charter schools eligible for funding from high cost/high acuity appropriated line item in WVDE's 0313 account.

§18-31-1 et seq. (N) – Education Savings Account Act. The parent or other with legal authority to act on behalf of an "special needs student" must apply to the State Treasurer for an ESA and sign a parent agreement. An "eligible student" is WV public school student who has attended WV public school the prior school year and who is a special needs student, other than gifted, as defined by §18-20-1. Students whose household adjusted gross income are ineligible. Upon a parent agreement, an amount equivalent to 75% of the prior year's state average state aid per pupil is deposited in the parent's account from a line item appropriation made for ESAs. Parent use of the funds is limited to qualifying expenses listed in the statute. The Treasurer is required to contract with private organizations to administer the program. Unused funds rollover from quarter to quarter and year to year and may be used for college up to a bachelor's degree or the student reaches 24 years of age. Some limitations apply. A Parent Review Committee is created to assist the State Treasurer in determining whether questionable expenditures for ESA's are qualifying expenses. Education service providers must meet certain requirements to be eligible for payments from an ESA.

§18A-4-2 – Teacher Salary state minimum schedule is increased by \$2,120 for all teacher effective 2019-20 school year; effective 7/1/20 a classroom teacher who provides math instruction in his or her area of certification for at least 60% of the time the teacher is providing instruction to students is considered to have 3 additional years of experience for salary purposes ($\$518 + \$69 \times 3 = \$1,767$).

§18A-4-2d – Mathematics Incentive Fund line item for WVDE to pay a one-time payment of \$2,000 to a classroom teacher who completes a mathematics enrichment course established or approved by the WVDE. The course must be completed by May 1st and the payment is made in the next Fiscal Year, but

only if the teacher is providing math instruction in the in the teacher's certified area for at least 60% of the time the teacher is providing instruction.

§18A-4-5 – Salary Equity formula driven definition is removed as is the requirement for the WVDE to include a request in its budget when it determines under the formula that equity is not met. It is replaced by findings that counties must have discretion and flexibility to use local county funds to provide the best education possible to their students, including but not limited to salary supplements to teachers. Subject to appropriation, state funds are still to be paid within the formula to support the teacher and service personnel equity supplements in the respective salary sections.

§18A-4-5a – County salary supplements for teachers may be used to provide additional compensation for teachers fully certified and assigned in critical need and shortage areas, remote geographical areas or with high turnover rates, and teachers who in addition to teaching serve as master teachers, mentors or academic coaches etc., to assist others to improve their professional practice.

§18A-4-7a – Seniority is replaced by qualifications as determined in county board policy in determining employees for release or transfer when the board is required to reduce the number of professional personnel. The requirement to notify all qualified personnel on the preferred recall list by certified mail before filling a position expected to last 20 days or longer is replaced with a requirement to provide them with a notice by certified mail of the application procedures and any websites used to advertise vacancies.

§18A-4-8a – Service personnel salary state minimum schedule is increased by \$115/month for a 10-month contract.

§18A-4-10 – Personal leave entitlement is divided into ½ during the first half of the employment term and ½ during the second half of the employment term. The \$500 end of year bonus is extended to all full-time employees of the county board who miss no more than four (4) days.

§18C-4-1 et seq. – Underwood-Smith Teaching Scholars Program is limited to teaching mathematics, science and special education in at the elementary, middle and secondary levels in a geographic area of critical need. The eligibility requirements are also modified.

§18C-4A-1 et seq. (R) Underwood-Smith Teacher Loan Assistance Program repealed.

§29-12-5a – BRIM coverage opt-in for charter school. Also requires county board to provide annual notice of coverage and limits to each insured including teachers, supervisors, administrators, service employees, superintendent, and board members.

**Current changes to the strike and insert for SB451 since the meeting on February 6, 2019
@ 9:00 a.m.**

On page 11, line 5, after “or” by adding “in a comparable position in”

On page 41, line 9, after “code.” By striking through the next sentence “Consistent with the provisions of this article, the commission has authority to authorize public charter school in school districts that do not meet standards as determined pursuant to state board policy.”

On page 67, line 10, after “all” by inserting “fiscal” also after “after” by striking “2018” and inserting “2019-2020”

On page 76, line 27, after “Program” by deleting the period and adding: “and all applicable state and federal statutes.”

On page 76, lines 30-42, by striking sections (e) and (f) in their entirety.

On page 113, line 83, after “not” strike “been absent for” insert “utilized”

On line 84, strike “four” insert “personal leave”

On page 123, line 5, by striking “\$7,200” and adding in lieu thereof “\$7,800.”

On page 127, line 23, delete strike through on words “\$1 million”